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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,109	09/17/2003	Rodney Joseph Schnurr	295p-Schnurr	8546

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EXAMINER	
CARPIO, IVAN HERNAN	
ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/667,109	SCHNURR, RODNEY JOSEPH	
	Examiner	Art Unit	
	Ivan H. Carpio	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9-17-03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7,10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US Patent 5924781) in view of Gregory (US Patent 6273310) and further in view of Germano (6113202).

With respect to claim 1, Mitchell teaches a laptop computer workstation (Fig. 8, element 10') for use with a laptop computer (column 5, lines 30-31), the laptop workstation comprising: a back plate (Fig. 8, element 12'), first and second side plates (Fig. 8, elements 18'), a top plate having an upper surface (Fig. 8, note the top plate connecting the side plates 18'), and a bottom plate (Fig. 8, note the bottom plate connecting the side plates 18'), the five plates secured together to form five sides of an enclosure, the enclosure having an internal height, an internal width, and an internal depth (Fig. 8), a folding surface (Fig. 8, element 102 and base) secured at a bottom edge to the bottom plate by a plurality of hinges (Fig. 6 and 7), the folding surface having a first substantially horizontal open position (Fig. 8) in which it projects horizontally from the bottom plate and a second substantially vertical closed position (Fig. 8, note that when the folding surface is pushed up to the closed position it locks at

the top thereby being in a vertical closed position resembling Fig. 3) in which it forms a sixth side of the enclosure; the folding surface and five plates dimensioned and configured so that when the folding surface is in the second closed position the enclosure is substantially sealed. A grommet hole (Fig. 8, element 96) having a grommet diameter sufficient to accommodate four such computer cables there through (Fig. 8, note that if an average laptop computer can fit on element 102 then grommet 96 is large enough to accept four or more computer cables); a mouse holder (Fig. 8 the folding surface to the right of element 102) affixed within the enclosure, the mouse holder dimensioned and configured to hold a standard mouse. Mitchell does not teach that the grommet holes is located in the middle of the bottom plate but it would have been obvious to one skilled in the art at the time of the invention to place the grommet hole in the middle of the bottom plate because doing so would make the grommet at equal distance from the laptop computer and cables connected anywhere on the laptop and also to power socket which are usually located on the ground or lower wall). Mitchell also does not teach in the embodiment related to figure 8 a first portion of the first side plate and a second portion of the second side plate projecting above the top plate to form first and second end pieces of the upper surface of the top plate, a third portion of the back plate projecting above the top plate to form a back piece of the upper surface of the top plate, thereby forming a storage shelf having first and second end pieces and a back piece, however in the prior art Fig. 10 Mitchell teaches a first portion of the first side plate (Fig. 10, the left plate above the top shelf) and a second portion of the second side plate (Fig. 10 the right plate above the top shelf) projecting

above the top plate (Fig. 10, the top shelf) to form first and second end pieces of the upper surface of the top plate, a third portion of the back plate (Fig. 10, the back plate above the top shelf) projecting above the top plate to form a back piece of the upper surface of the top plate, thereby forming a storage shelf having first and second end pieces and a back piece. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the two side plates and back plate, taught by Mitchell in Fig, 8, above the top plate, as taught by Mitchell in the prior art Fig. 10, because doing so give us an extra storage space for placing printers, faxes and the like; furthermore it is well known in the art to extend the two side plates and back plates to form a shelf, simply go to any library or retail store. Mitchell also does not teach laptop computer further having at least one headphone cable extending therefrom, the headphone cable having a headphone cable diameter. However headphones are well known in the art and it would have been obvious to one skilled in the art at the time of the invention to connect a headphone cable to the laptop in order to listen to audio files without disturbing anyone else in the vicinity. Mitchell also does not teach that a laptop computer is of clamshell construction having a keyboard portion and a display portion, the two portions hinged together at the back of the laptop computer device so that they may close into a folded clamshell position with the display portion atop the keyboard portion and having an open position in which the display portion projects above the laptop computer, such laptop computer having a folded height, a folded width, and a folded depth, such laptop computer further having a plurality of computer cables extending therefrom, the computer cables having a cable diameter, such laptop

computer further having at least one headphone cable extending therefrom, the headphone cable having a headphone cable diameter, such laptop computer further having a bottom surface and a hook and loop fabric hold down device dimensioned and configured to secure such laptop computer keyboard portion to the folding surface when the folding surface is in the open and closed positions, the hold down device comprising a hooked fabric patch having a patch width substantially equal to such laptop computer folded width and having a patch depth substantially equal to such laptop computer folded depth, the hold down device further comprising a loop fabric patch on such bottom surface of such laptop computer the loop fabric patch having the same width and depth as the hooked fabric patch. Gregory teaches a laptop computer (Fig. 8, element 201) of clamshell construction having a keyboard portion (Fig. 8, note keyboard portion) and a display portion (Fig. 8, the open portion of 201), the two portions hinged together at the back (Fig. 8, note its open and hinged at the back) of the laptop computer device so that they may close into a folded clamshell position with the display portion atop the keyboard portion (Fig. 9 note closed form) and having an open position in which the display portion projects above the laptop computer (Fig. 8), such laptop computer having a folded height, a folded width, and a folded depth (Fig. 9, note closed form has a height a width and a depth), such laptop computer further having computer cables extending therefrom, the computer cables (Fig.9) having a cable diameter (Fig. 9, diameter of cable), furthermore Gregory teaches a laptop (Fig. 9, element 201) mounted on a mounting surface (Fig. 9, element 205) by means of a hook and loop fabric (Fig. 9, elements 211 and 212, and column5, lines 15-17). The

size, width and depth of the hook and fabric pattern would depend directly on the weight of the laptop and angle of the mounting surface. Therefore it would have been obvious to one skilled in the art at the time of the invention to use the laptop and mounting technique taught by Gregory with the wall mounted workstation taught by Mitchell because, having a clam like laptop would protect the screen and keyboard when the workstation is in the closed position, and mounting the laptop to the workstation with a hook and loop fabric allows for easy attachment and detachment without causing a permanent change to the laptop. Mitchell does not teach the folding surface secured at a first end to the first side plate and at a second end to the second side plate by folding struts; first and second mounting apertures passing through the back plate, each of the first and second mounting apertures being dimensioned and configured to accept the head of a standard wall mounting device. Germano teaches a folding surface (Fig. 1, element 52) secured at a first end to the first side plate and at a second end to the second side plate by folding struts (Fig.1, element 58); first and second mounting apertures (Fig. 1, elements 50) passing through the back plate, each of the first and second mounting apertures being dimensioned and configured to accept the head of a standard wall mounting device (Fig. 1, element 29). Also while Mitchell does not specifically mention the size of the enclosure it is obvious it can be made any size including where the internal height, width and depth are sufficient to contain a folded laptop computer. Furthermore when the open clam like laptop computer (Fig. 8, element 201) taught by Gregory is mounted in the workstation (Fig. 8) taught by Mitchell as the folding surface (Mitchell Fig. 8, element 102 and base) is

moved to the closed position the display portion (Gregory Fig.8, the open part of element 201) is urged against the back plate and held motionless while such laptop computer keyboard portion is rotated vertically, thereby moving such laptop computer substantially to such folded clamshell position.

With respect to claims 2 and 3, with all the limitations of claim 1, Mitchell does not teach first and second cable hooks secured to the back plate, the first and second cable hooks dimensioned and configured to each accept at least two such computer cables. Germano teaches first and second cable hooks (Fig. 1, elements 24) secured to the back plate, the first and second cable hooks dimensioned and configured to each accept at least two such computer cables. Also since the cable hooks are not cable specific, any cable could be used with the cable hooks including head phone cables. It would have been obvious to one of ordinary skill in the art at the time of the invention to put the cable hooks taught by Germano on the back plate taught by Mitchell, for the purpose of keeping the all of the computer cables and wires together, untangled and out of the way.

With respect to claim 4 and 5 with all the limitations of claim 1, Mitchell teaches a fastening/locking device (Fig. 8, note the lock on the top plate, and the locking tab on the folding member) cooperating with the folding surface and the top plate, the fastening device having a first fastened/locked position in which the folding surface is fastened/locked in the second closed position and having a second unfastened/unlocked position in which the folding surface is free to move between the open and closed positions.

With respect to claim 6 and with all the limitations of claim 1, Mitchell teaches a plurality of hinges (Shown in Fig. 1 as element 26 and in more detail Fig. 6 and Fig. 7) which secures the folding surface at the bottom edge to the bottom plate but does not teach specifically three hinges. Three hinges on a folding surface is well known in the art, in fact looking at a door one sees how well known it is. Furthermore increasing the number of hinges simply decreases the amount stress put on each individual hinge. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use any number of hinges, including three, for the purpose of decreasing the forces acting on each individual hinge.

With respect to claim 7 and with all the limitations of claim 1, Mitchell teaches that the five plates are constructed from metal (Column 5, lines 13-18).

With respect to claims 10,11,12 and with all the limitations of claim 1, Mitchell doesn't teach the specific size, specifically the internal height, width and depth, of the enclosure created by the laptop computer workstation. Nonetheless, changing the size of the enclosure is a matter of design choice that takes into account the size of the laptop and any extra features that go inside. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the workstation taught by Mitchell any size including making the internal height 16 inches, the internal width 23 inches, and the internal depth 6 inches for the purpose of best fitting the laptop size and any extra internal features.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US Patent 5924781), Gregory (US Patent 6273310) and Germano (6113202) in view of Hallgren (US Patent 5351835).

With respect to claim 8 and with all the limitations of claim 1, Mitchell does not teach a first CD storage rack secured to the back plate within the enclosure, the CD storage rack having a plurality of bays, each baby being dimensioned and configured to accept one standard CD crystal case, the CD storage rack having a CD storage rack width; wherein the internal width of the enclosure is substantially the folded width of the folded laptop computer plus additionally the CD storage rack width. Hallgren teaches a CD storage rack (Fig. 1 and 2) having a plurality of bays, each baby being dimension ad configured to accept one standard CD crystal case the CD storage rack having a CD storage rack width. As previously stated the height, width and depth of Mitchell's workstation can made to any size that best encloses the laptop and extra features. It would have been obvious to one of ordinary skill in the art at the time of the invention to put Hallgrens CD rack on the back plate of Mitchells workstation because in that way one can easily use, store, protect and lock CDs in the workstation without the fear of losing and or having important CDs stolen. It would have also been obvious to make the size of the enclosure to an appropriate size for fitting the laptop and CD rack with in for the purpose of being able to completely close and lock up both the laptop and CD rack.

With respect to claim 9 and with all the limitations of claim 8, Hallgren teaches that the CD storage rack comprises at least nine bays (Fig. 1).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6209730 discloses a CD rack. US Patent 6597568 discloses a laptop case with side folding struts. US patent 5667114 discloses a portable laptop workstation. US Patent 6158829 discloses a workstation with grommet hole. US patent 5460101 discloses a workstation with side walls the extend above the top plate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ivan H. Carpio whose telephone number is 571-272-8396. The examiner can normally be reached on M-R 6:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IC

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